

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Bail Appl..No. 1020 of 2007(A)

CRIME NO.37/07 OF CHADAYAMANGALAM POLICE STATION

: PETITIONER/1ST ACCUSED.

ARUN SHAH A.K., AGED 24 YEARS,
S/O. MANJAPPARA VAHID, MANJAPPARAVILA VEEDU,
MANJAPPARA P.O., KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENTS: COMPLAINANT.

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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B.A. No. 1020 OF 2007 B
.....

Dated this the 12th day of March, 2007

O R D E R

Petitioner, who is the first accused in Crime No.37/07 of Chadayamangalam Police Station for offences punishable under sections 143, 147, 148 and 307 read with section 149 IPC and section 3 of the Explosive Substances Act, 1908, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Learned counsel for the petitioner submits that even according to the F.I.Statement the limited role attributed to the petitioner is driving of the Tata Sumo vehicle in which accused Nos.2 to 7 were travelling and the petitioner is a M.B.A. Student at Dindigul.

4. Learned Public Prosecutor, on instructions, submitted that on the date of occurrence the petitioner was absent in the institute at Dindigul, where he is allegedly studying. The case of the prosecution is that on 5.2.2007 at about 6.30 p.m. the petitioner along with seven other accused persons entered into Silpa Bar at Ayoor and attacked the de facto complainant by throwing explosives and causing injuries on him.

5. Even assuming that the limited role attributed to the petitioner is only driving of the vehicle, he was facilitating accused Nos.2 to 7 armed with deadly weapons to enter the Bar and attack the de facto

complainant. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Investigating Officer for interrogation and thereafter seek regular bail from the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 19.3.2007 and 21.3.2007 for the purpose of interrogation. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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